

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>CHRISTIAN KAPS, ET AL.</b>	)	
	)	
<b>APPLN. NO.: 10/565,226</b>	)	<b>ART UNIT: 1649</b>
	)	
<b>FILED: JULY 10, 2006</b>	)	<b>EXAMINER:</b>
	)	<b>GUCKER, STEPHEN</b>
<b>USE OF CHEMOKINES, AND</b>	)	
<b>PHARMACEUTICAL PREPARATIONS</b>	)	
<b>CONTAINING THE SAME</b>	)	

**CONFIRMATION NO.: 2239**  
**CUSTOMER NO.: 2071**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Sir:

This is in response to the restriction/election requirement made in the office action re-mailed on May 7, 2009 (the "Office Action"), wherein the Examiner issued a requirement for restriction of this application to one of the identified groups of claims of this application and further issued an election of species requirement.

Responsive to the restriction requirement, Applicant hereby elects the invention of Group I (Claims 26-29). At least Claims 21-23, 26-29, 32-34, 36-37 and 39-40, are deemed readable thereon.

Responsive to the election of species requirement, Applicant elects the species CXCL7, at least Claims 21-23, 26, 29, 32-34, 36-37 and 39-40 being deemed readable thereon. With respect to mixture Claim 29, Applicant elects the mixture of CXCL7 and CXCL9, at least Claims 21-23, 26, 29, 32-34, 36-37 and 39-40 being deemed readable thereon.

This response is made in an effort to expedite prosecution, but for the avoidance of doubt, Applicant in no way concedes the accuracy of the Examiner's contentions set forth in section 2, pgs. 2-3, of the Office Action.

Favorable further action on this application is solicited.

Respectfully submitted,

/R. Andrew Patty II/  
R. Andrew Patty II  
Reg. No. 38,992  
Attorney for Applicant  
McGlinchey Stafford, PLLC  
301 Main Street, 14<sup>th</sup> Floor  
Baton Rouge, LA 70802  
Phone: 225-383-9000  
Fax: 225-343-3076  
Email: dpatty@mcglinchey.com

**CERTIFICATE OF SUBMISSION**

The undersigned hereby certifies that this document and any document referenced as accompanying this document are being filed with the United States Patent and Trademark Office via the EFS-web filing system on the date shown below.

Date: May 28, 2009

Signed: /Jane L. Hartdegen/  
Jane L. Hartdegen